UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,662	03/29/2005	Gerardus Carolus Van Loo	NL 020936	1340

24737 7590 09/17/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
DONABED, NINOS J	

ART UNIT	PAPER NUMBER
2109	

MAIL DATE	DELIVERY MODE
09/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/529,662	VAN LOO, GERARDUS CAROLUS	
	Examiner	Art Unit	
	Ninos Donabed	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03/29/2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/29/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. **Claim 1** is a system to be used for setting up a communication connection that is a computer related product. This refers to a judicial exception, an abstract idea, with no practical application. No tangible result exists because the system has not been set up.

Claims 7-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. **Claim 7** is a method to be used for setting up a communication connection that is a computer related product. This refers to a judicial exception, an abstract idea, with no practical application. No tangible result exists because the method does not do anything after the set up is complete.

Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. **Claim 13** is a computer readable medium to be used for setting up a communication connection that is a computer related product. This refers to nonfunctional descriptive material because there are no instructions on how to operate the system. The nonfunctional descriptive material is non-statutory under 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-13** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The use of the word "**similar**" in **claim 1** is unclear because it does not specify a range and thus is rejected under 35 U.S.C. 112, second paragraph.

Since **claims 2-6** are dependent on claim 1, they are also rejected under 35 U.S.C. 112, second paragraph for the same reason as **claim 1**.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The claim does not include any steps to perform the method claim.

Claims 8-12 are rejected under 35 U.S.C. 112, second paragraph for the same reason as **claim 7**.

Claim 13 is a single claim which claims both an apparatus and the method steps of using the apparatus is indefinite and thus is rejected under 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10, 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Malimovka et al. (WO/9856155), herein referred to as Malimovka.

Regarding **Claim 1** as best understood, Malimovka teaches a system to be used for setting up a communication connection between a number of communication devices across a communication network, said system comprises **(Malimovka discloses, Page 2 Lines 20-30, a communication system for communication between a multiplicity of stations)**

a similar number of identification means in which the same unique communication identifier is embedded, **(Malimovka discloses, Page 7 Lines 8-17, in the first mode, a pair of 'identical' tokens is used)**

said communication identifier at least being unique on the communication network on which the communication connection is to be set up. **(Malimovka discloses, Page 7 Lines 25-36, the tokens may have unique identifiers)**

Regarding **Claim 2** as best understood, Malimovka further teaches a system wherein at least one of said number of identification means is comprised in a plug

enabled to be connected to at least one of said number of communication devices **(Malimovka discloses, Page 11 Lines 15-21, the token is plugged into the base unit)**

and wherein at least one of said number of communication devices comprise means for reading the identifier embedded in said identification means. **(Malimovka Page 13 Lines 29-31, unit is used to read the identifier)**

Regarding **Claim 3** as best understood, Malimovka further teaches a system wherein at least one of said number of identification means is comprised in at least one of said number of communication devices. **(Malimovka discloses, Page 7 Lines 8-24, tokens are inserted into receptor)**

Regarding **Claim 4** as best understood, Malimovka further teaches a system wherein it is a system to be used for setting up a communication connection between a first and a second communication device, comprising first and second identification means in which the same unique communication identifier is embedded. **(Malimovka discloses, Page 7 Lines 12-15, a pair of identical tokens is used to facilitate communication between two people)**

Regarding **Claim 5** as best understood, Malimovka further teaches a system wherein the information to be communicated on the communication connection is information stored on a storage device, where the second communication device

comprises. **(Malimovka discloses, Page 5 Line 35 – Page 6 Line 27, database used for storage)**

means for reading the information from said storage device and wherein said first communication device comprises means for processing said information. **(Malimovka discloses, Page 6 Lines 29-36, station and receptor read out identifications from database)**

Regarding **Claim 6** as best understood, Malimovka further teaches a system wherein the information to be communicated on the communication connection is data that has been received by the second communication device, where the second communication device comprises

means for performing a first processing of the received data and wherein said first communication device comprises means for performing a second processing of said information. **(Malimovka discloses, abstract, a communication between stations of a network which contain processing means)**

Regarding **Claim 7** as best understood, Malimovka teaches a method for setting up a communication connection between a number of communication devices across a communication network, wherein said number of communication devices each comprise **(Malimovka discloses, Page 2 Lines 20-30, a communication system for communication between a multiplicity of stations)**

identification means in which the same unique communication identifier is embedded, **(Malimovka discloses, Page 7 Lines 8-17, in the first mode, a pair of 'identical' tokens is used)**

said identifier being unique on the communication network on which the communication connection is to be set up, said connection being set up between the communication devices comprising corresponding communication identifiers. **(Malimovka discloses, Page 7 Lines 25-36, the tokens may have unique identifiers)**

Regarding **Claim 8** as best understood, Malimovka further teaches a method for a first communication device to set up a communication connection to a second communication device across a communication network, wherein the first and second communication device comprise first and second identification means in which the same unique communication identifier is embedded, said identifier being unique on the communication network on which the communication connection is to be set up, said method comprises the steps of:

reading the unique communication identifier from said first identification means, **(Malimovka discloses, Page 1 Lines 18-28, station-identifying data is read from the database)**

transmitting an identification signal on the communication network, said identification signal comprising the unique identifier together with a network address being unique for said first communication device, **(Malimovka discloses, Page 8 Line**

25 to Page 9 Line 36, the tocken is transmitted and the database retains information relating to the station-location)

receiving acknowledge information from said second communication device, said second communication device being adapted for receiving the identification signal, checking if the unique communication identifier comprised in the identification signal corresponds to the unique communication identifier comprised in said second identification means and transmitting said acknowledge information if the unique identifiers are corresponding. **(Malimovka discloses, Page 9 Lines 9-20, the LED emits light, acknowledgment information, to indicate who initiated the call)**

Regarding **Claim 10** as best understood, Malimovka further teaches wherein the acknowledge information from said second communication device to said first communication device comprises a network address being unique for said second communication device. **(Malimovka discloses, Page 9 Lines 21-36, database retains information relating to location of a station)**

Regarding **Claim 12** as best understood, Malimovka further teaches a method according to claim 7, wherein the communication network is a digital communication network. **(Malimovka discloses, Page 2 Lines 32-35, the internet, which is a digital network, may be used)**

Regarding **Claim 13** as best understood, Malimovka teaches a computer readable medium comprising an algorithm for performing a method according to claim 7. [**(Malimovka discloses, Page 2 Lines 20-30, a communication system for communication between a multiplicity of stations), Malimovka discloses, Page 7 Lines 8-17, in the first mode, a pair of 'identical' tokens is used), (Malimovka discloses, Page 7 Lines 25-36, the tokens may have unique identifiers)]**

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malimovka in view of Na, **(Patent Application Publication US 2001/0041578)**, herein referred to as Na.

Regarding **Claim 9** as best understood,

Malimovka teaches the method of claims 7 and 8.

Malimovka does not teach a method wherein the acknowledge information from said second communication device to said first communication device comprises information defining the type of data which will be transmitted from the second communication device after the communication connection has been set up.

Na teaches a method wherein the acknowledge information from said second communication device to said first communication device comprises information defining the type of data which will be transmitted from the second communication device after the communication connection has been set up. **(Na discloses, Figure 4 and Page 3 paragraphs [0055] through [0058], data type indicates which type of data is transmitted)**

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method of Malimovka to include a method wherein the identification signal further comprises information defining the type of data that can be received by the first communication device after the communication connection has been set up taught by Na in order to make the transmission of data more efficient. **((Na discloses, Page 3 paragraph [0058], the data ID increases efficiency)**

Regarding **Claim 11** as best understood,

Malimovka teaches the method of claims 7 and 8.

Malimovka does not teach a method wherein the identification signal further comprises information defining the type of data that can be received by the first communication device after the communication connection has been set up.

Na a method wherein the identification signal further comprises information defining the type of data that can be received by the first communication device after the communication connection has been set up. **(Na discloses, Figure 4 and Page 3**

paragraphs [0055] through [0058], data type indicates which type of data is transmitted)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention, to modify the method of Malimovka to include a method wherein the identification signal further comprises information defining the type of data that can be received by the first communication device after the communication connection has been set up taught by Na in order to make the transmission of data more efficient. **(Na discloses, Page 3 paragraph [0058], the data ID increases efficiency)**

Conclusion

1. Any response to this Office Action should be **faxed** to (571) 272-8300 or **mailed** to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Hand-delivered responses should be brought to
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ninos Donabed whose telephone number is (571) 270-3526. The examiner can normally be reached on Monday-Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571) 272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ninos Donabed
Art Unit 2109

BENNY Q. TIEU
SPE/TRAINER